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**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH**

IN RE:	§	
	§	CASE NO. 16-28176
Thomas Powers	§	Chapter 13
Tamara Powers	§	Kevin R Anderson
Debtor(s)	§	

**MOTION TO MODIFY CHAPTER 13 PLAN; MOTION TO ABATE LATE
PAYMENTS, MOTION TO MODIFY PREVIOUS ORDER AT DOCKET 92**

Thomas & Tamara Powers (hereinafter "Debtor"), through counsel, hereby moves this Court for an order approving the modification of the Debtors' Chapter 13 Plan, to abate delinquent payments in the amount of \$1,811.00. Debtor represents the following in support thereof:

1. Debtor filed the above referenced Chapter 13 petition on 9/15/2016 ("Petition Date").
2. Debtor's current monthly payments are \$1,500.00 and is in month thirty (30) of the confirmed Chapter 13 Plan.
3. Debtor's income has substantially decreased since the time of filing. Debtor is now living in Arizona. Although Debtor continues to seek work with a higher salary, Debtor has had a difficult time securing employment which is sufficient to maintain his household needs as well as his bankruptcy Plan payment. Debtor has finally secured employment at this time albeit at a substantially reduced salary. Debtor is to a point

where they can sufficiently provide the household necessities but only continue in the Chapter 13 Plan at a reduced plan payment.

4. In support of this motion to modify their monthly payments, Debtor, through counsel, will also file an amended schedule I & J and provide documentary evidence of Debtors current monthly income.
5. After adjusting schedules I & J Debtor's adjusted monthly payments should be lowered to \$450.00 per month.
6. Debtors seeks to modify the plan from a 100% plan to a base plan with a pot of not less than \$8,000.00 to be paid to unsecured creditors. A payment of \$450.00 would enable the plan to remain feasible and is within the parameters set by the amended schedules I & J.
7. Debtor will make the March 2019 payment at the reduced amount.
8. Further, Debtor seeks to abate delinquent payments to the Chapter 13 Trustee in the amount of \$1,811.00.
9. Debtor seeks to modify the Order entered by this court on October 24, 2017 at Docket 92 to strike paragraph 5 "All future Plan payments must post within twenty-one (21) days of when the payment becomes due or the Chapter 13 Trustee may file a declaration of non-compliance and the Court shall dismiss the case without further notice or hearing;". Debtor seeks to modify this Order for the purpose of allowing this Motion to be considered by the Court.
10. Debtor believes that if this Motion were to be granted that he can continue and be successful to completion of the Chapter 13 Plan.
11. Counsel is seeking an award of attorney's fees in an approximate amount of \$800.00.

Counsel will file a separate fee application and upon request will provide a copy to any party in interest.

WHEREFORE, Due to known and certain changes in Debtor's circumstances, Debtor respectfully requests an Order from the Court modifying Debtor's Chapter 13 Plan to reduce their monthly payments to \$450.00, for an Order abating delinquent payments in the amount of \$1,811.00, modifying the previous Order of the Court at Docket 92, and for an award of attorney fees in an approximate amount of \$800.00.

Date: March 20, 2019

/s/ Cory B. Cottam
Cory B. Cottam
Attorney for Debtors